

Remarks

Applicant has reviewed the Office Action dated as mailed October 5, 2005, and the documents cited therewith. After the above amendments have been made, the present application contains claims 1-36. Claims 1, 14, 21, 26, and 32 have been amended.

Claim Rejections under 35 U.S.C. §112

Claims 1-13, 14-20, and 32-36 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, claims 1, 4 and 14 were asserted as being vague and indefinite of whom or what is performing the limitations in the claim. Claims 1, 4 and 14 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §112 rejection of claims 1-13, 14-20, and 32-36 is respectfully requested.

Claim 32 was also rejected under 35 U.S.C. §112 in that there was insufficient antecedent basis for "each affected book." Claim 32 has been amended to more particularly point out and distinctly claims the subject matter of the invention. Reconsideration and withdrawal of the Section 112 rejection of claim 32 is, therefore, respectfully requested.

Claim Rejections under 35 U.S.C. §101

Claims 1 and 14 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, claims 1 and 14 were asserted as being directed towards a method that does not require a computer for execution and thus, nonstatutory. Applicant's attorney appreciates the examiner indicating that amending claims 1 and 14 to recite - computer implemented method - would overcome the rejection; however, in light of the recent decision by the Board of Patent Appeals and Interferences in Ex parte Carl A. Lundgren, Applicant respectfully submits that such amend should not be necessary. In Lundgren, the Board of

Appeals and Interferences reversed the examiner's rejection under 35 U.S.C. §101 as non-statutory subject matter based on the examiner's assertion that "both the invention and the practical application to which it is directed to be outside the technological arts, namely an economic theory expressed as a mathematical algorithm without the disclosure or suggestion of computer, automated means, apparatus of any kind, the invention as claimed is found non-statutory." *Ex Parte Carl A. Lundgren*, 2004 WL 3561262, 76 USPQ2d 1385 (Bd. Pat. App. & Interf., April 20, 2004).

Additionally, the claim 1 has been amended to recite "assigning a predetermined number of line items to a single writer by a user on a system to manage documents." Independent claim 14 has been amended to recited similar features. Accordingly, Applicant respectfully submits that claims 1 and 14 recite statutory subject matter, and reconsideration and withdrawal of the rejection under 35 U.S.C. §101 is respectfully solicited.

Claim Rejections under 35 U.S.C. §102

Claims 1-3, 7-11, 13, 14-15, 18-20, 26 and 30-31 were rejected under 35 U.S.C. §102(b) as being anticipated by Moody et al. (US Patent # 5,890,177; hereinafter Moody). These rejections are respectfully traversed for the reasons stated below.

Turning initially to the rejection of independent claim 1 under 35 U.S.C. §102(b) as being anticipated by Moody, claim 1 has been amended to recite:

"assigning a predetermined number of line items to a single writer by a user on a system to manage documents..."

In contrast, Moody teaches a method and apparatus for consolidating edits made to a document by multiple editors working on multiple copies of the same document. As clearly shown in Figure 2A and described in column 4 beginning at line 31 of Moody multiple copies of the original document are made and sent to multiple editors (Editors A, B and C) for editing. Accordingly, Moody does not teach or suggest assigning a predetermined number of line items to a single writer by a user on a system to manage documentation as required by the present invention as recited in amended claim 1.

Claim 1 also recites:

“performing any changes related to each assigned line item across all affected books.”

For this feature of the present invention, the Office Action cited the Abstract of Moody, lines 3-5 which recites, “Each editor then edits his own document copy using an editing application program, such as a word processor, to produce an edited copy.” Applicant respectfully submits that Moody is merely teaching editing multiple copies of the same document and then consolidating the edits as described above. Moody does not teach or suggest performing changes related to line items or changes to software code or a computer program and making these changes across all affected books or documentation related to the particular software, code or program as provided by the present invention as recited in the claims.

Additionally, Moody does not recognize or address the problem solved by the present invention. As indicated in paragraph [0003] of the present application, one problem associated with the prior art is that a technical writer must read through and learn every line item or change to software or code associated with software development to determine whether the line item affects their book or books related to the software. This could be very laborious and inefficient. Additionally, there can be numerous line items. The extensive volume of line items may be difficult for an individual writer to read and understand to any depth or detail. Additionally, an individual writer may not be an expert on any particular line item and a developer or owner of a line item may need to meet with every writer who identifies the line item is one that may affect his assigned book or books to discuss the line item in detail. The present invention overcomes these difficulties by assigning a predetermined number of line items to a single writer. Multiple copies of a document are not edited by multiple editors as taught by Moody.

For all of these reasons, claim 1 is submitted to be patentably distinguishable over Moody. Reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claim 1 is respectfully requested.

Turning now to the rejection of claims 2-3 and 7-11 and 13 under 35 U.S.C. §102(b) as being anticipated by Moody, these claims recite additional features which further patentably distinguish over Moody. For example, claim 7 recites sending a notice in response to completion of any changes related to each line item and claim 8 recites sending a notice in response to completion of any changes related to all assigned line items. While Moody teaches returning the

edited documents to the author as illustrated in Figure 2B, Moody does not teach or suggest sending a notice in response to completion of changes associated with each line item or associated with all assigned line items as provided by the present invention as recited in claims 7 and 8.

Additionally, claims 2-3, 7-11 and 13 depend either directly or indirectly from independent claim 1. By virtue of this dependency, these claims contain all of the features of independent claim 1. Accordingly, these claims are respectfully submitted to also patentably distinguish over Moody, and reconsideration and withdrawal of the 35 U.S.C. §102 rejection of these claims is respectfully solicited.

Regarding the rejection of independent claim 14 under 35 U.S.C. §102(b) as being anticipated by Moody, claim 14 has been amended recite similar features to independent claim 1. Additionally, claim 14 recites reviewing and investigating each assigned line item; performing any changes related to each assigned line item across all affected books; reviewing any changes for each line item; and closing each line item in response to review and approval of all changes related to the line item across all books. In contrast, Moody is merely teaches editing multiple copies of a document and consolidating the edits. Moody does not recognize or suggest solutions to the issues associated with software development and revisions to software documentation which are recognized and solved by the present invention as recited in the claims.

For all of these reasons, claim 14 is also submitted to be patentably distinguishable over Moody, and reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claim 14 is respectfully solicited.

With regard to the 35 U.S.C. §102(a) rejection of claims 15 and 18-20 under 35 U.S.C. §102(b) as being anticipated by Moody, these claims contain additional features which further patentably distinguish over Moody. Additionally, these claims depend either directly or indirectly from independent claim 14, and by virtue of that dependency, contain all of the features of independent claim 14. Therefore, these claims are also submitted to be patentably distinguishable over Moody, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully requested.

Turning now to the rejection of independent claim 26 under 35 U.S.C. §102(b) is being anticipated by Moody, claim 26 has been amended to recite:

“means for assigning a predetermined number of line items to a single writer;
a system memory to store line item assignments ... ;and
means for accessing and performing any changes related to each line item across all
affected books.”

As discussed with respect to claim 1, Moody teaches assigning multiple copies of the same document to multiple editors. Additionally, Moody shows no recognition for the problems solved by the present invention associated with assigning, performing and accessing performance of software changes related to line items associated with software development. Moody merely teaches a method and apparatus whereby multiple edits made by multiple editors to the same document can be consolidated in a final edited copy as indicated in the abstract of Moody and clearly shown in Figure 2B of Moody. Accordingly, Applicant respectfully submits that independent claim 26 is patentably distinguishable over Moody, and reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection of claim 26 is respectfully solicited.

With respect to the 35 U.S.C. §102(b) rejection of claims 30-31 as being anticipated by Moody, these claims recite additional features which further patentably distinguish over Moody. As previously discussed, while Moody teaches returning the different edited copies of the document to the author (Figure 2B), Moody does not teach or suggest sending a notice in response to completion of any changes to software as recited in claim 30. Applicant respectfully submits that sending a notice is distinguishable from returning an edited document.

Moody also does not teach or suggest closing each line item in response to review and approval of all changes related to the line item as provided by the present invention in claim 31. Moody merely teaches editing multiple copies of a document and returning the edited documents for consolidation. Moody does not teach a way of managing documentation associated with line changes in software development.

Additionally, claims 30 and 31 depend directly from independent claim 26, and by virtue of this dependency, contain all of the features of independent claim 26. Accordingly, Applicant respectfully submits that claims 30 and 31 are also patentably distinguishable over Moody, and

reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully requested.

Claim Rejections under 35 U.S.C. §103

Claims 4-5, 16-17, and 27-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moody in view of Microsoft, "Release Notes for Windows XP Service Pack 1 and Service Pack 1a," published 9/9/2003 (hereinafter Release Notes). These rejections are respectfully traversed as described in more detail below.

Applicant respectfully submits that these rejections under 35 U.S.C. §103 do not follow the M.P.E.P. §706.02(j) which states:

"After indicating that the rejection is under 35 U.S.C. §103, the examiner should set forth in the Office Action: . . . (B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification . . . the teaching or suggestion to make the claimed combination and the reasonable expectation of the success must both be found in the prior art and not based on applicant's disclosure." *In re Vaeck*, 947 F.2d 488,20 USPQ2d1438 (Fed.Cir.1991).

As discussed in detail below, Applicant respectfully submits that there is no teaching or suggestion in Moody and the Release Notes that their teachings may be combined so as to provide the present invention as recited in the claims and such motivation only comes from Applicant's disclosure. This approach constitutes impermissible hindsight and must be avoided. The Office Action admits that Moody fails to teach preparing a document that includes a description for each change for each book, and a pointer associated with each description of each change to link to a current version of the affected book. As previously discussed, Moody is directed to a method and apparatus for consolidating edits made to a word processing document by multiple editors working on multiple copies of the same document. Moody in column 4 beginning at line 37 recites:

"The author and each of the editors can then edit his own individual copy of the document using Word Processing programs, such as the afore mentioned WordPro[®] word

processing program. The individual editors need not use the same processing program in order to use the principals of the present invention.”

In contrast the Release Notes for Windows XP is an article that contains a list of Microsoft Knowledge Base article numbers for release notes and known issues with Windows XP Service Pack 1 (SP1) and Service Pack 1a (SP1a). (See “SUMMARY” of the Release Notes.) The Release Notes include article numbers that are hyper linked to the specific articles. Applicant respectfully submits that there is no teaching or suggestion in Moody or the Release Notes that their teachings may be combined so as to provide the present invention as recited in the claims and such motivation only comes from Applicant’s disclosure.

Even if it were proper to combine the teachings of Moody and the Release Notes, they still would not provide the present invention as recited in the claims. Claims 4 and 5 depend either directly or indirectly from independent claim 1. Because of that dependency, claims 4 and 5 contain all of the features of independent claim 1. Applicant respectfully submits that the Release Notes add nothing to the teachings of Moody so as to render independent claim 1 unpatentable as discussed above. Therefore, Applicant respectfully submits that claims 4 and 5 are patentably distinguishable over Moody and the Release Notes, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claims 4 and 5 is respectfully requested.

With respect to the rejection of claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Moody in view of the Release Notes, as discussed with respect to claims 4 and 5, the combination of the Release Notes with Moody is respectfully asserted to be improper. Even if such combination were considered to be proper, Moody and the Release Notes still would not provide the present invention as recited in claims 16 and 17. Claims 16 and 17 depend either directly or indirectly from independent claim 14, and by virtue of that dependency, contain all of the features of independent claim 14. Applicant respectfully submits that the Release Notes add nothing to the teachings of Moody so as to render independent claim 14 unpatentable. Accordingly, Applicant respectfully submits that claims 16 and 17 are also patentably distinguishable over Moody and the Release Notes, whether considered individually or

combined, and reconsideration and withdrawal of the Section 103 rejection of claims 16 and 17 is respectfully solicited.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Moody in view of "Microsoft Office Word 2003 Step by Step" by OnLine Training Solutions, Inc., published 9/24/2003; hereinafter Word 2003 Step by Step. Word 2003 Step by Step describes tracking and managing document changes in Microsoft Office Word and provides illustrations of the features associated therewith. Applicant respectfully submits that combining Word 2003 Step by Step with Moody still would not render independent claim 1 unpatentable from which claim 6 depends. Accordingly, Applicant respectfully submits that claim 6 is also patentably distinguishable over Moody and Word 2003 Step by Step, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claim 6 is respectfully solicited.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Moody. The Office Action on page 12 admitted that Moody fails to specifically disclose correcting any structural, retrieval or usability problems associated with each book but the Office Action went on to state that it was well known to one of ordinary skill in the art that when the editors were reviewing the document and when the author was reviewing the changes by the editors that each were correcting any structural, retrieval or usability problems in the document. This rejection is respectfully traversed. Moody in column 4 lines 37-41 recites:

"The author and each of the editors can then edit his own individual copy of the document using word processing programs, such as aforementioned WordPro[®] word processing program. The individual editors need not use the same word processing program in order to use the principles so the present invention."

Moody merely teaches editing the text of a written document using a word processing document and does not teach or suggest correcting structural, retrieval or usability problems associated with each book or documentation in development of a software product as recited in claim 12. Additionally, claim 12 depends indirectly from independent claim 1. Because of this dependency, claim 12 includes all of the features of claim 1. Therefore, claim 12 is also submitted to be patentably distinguishable over Moody and reconsideration and withdrawal of the Section 103 rejection of claim 12 is respectfully requested.

Claims 21-25, and 32-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moody in view of Word 2003 Step by Step and further in view of the Release Notes for Windows XP. These rejections are respectfully traversed.

Turning initially to the rejection of independent claim 21 under 35 U.S.C. §103(a) as being unpatentable over Moody in view of Word 2003 Step by Step and further in view of the Release Notes, Applicant respectfully submits that there is no teaching or suggestion in Moody, Word 2003 Step by Step and the Release Notes that their teachings may be combined so as to provide the present invention as recited in independent claim 21 and such motivation only follows from Applicant's disclosure. Even if it were proper to combine the teachings of Moody, Word 2003 Step by Step and the Release Notes, they still would not provide the present invention as recited in independent claim 21 as amended. Claim 21 as been amended to recite:

“a processor to track each line item, wherein a predetermined number of line items are assigned to each writer, each line item being tracked with respect to a group comprising an owner of the line item; planned and actual start dates; planned and actual end dates or completion dates; any driver associated with each line item; status of each line item; and any issues associated with each line item...”

Support for this amendment may be found in paragraph 14 of the present application. Applicant respectfully submits that there is no teaching or suggestion in the cited documents of the features recited in amended claim 21. Therefore, Applicant respectfully submits that claim 21 is patentably distinguishable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of claim 21 is respectfully requested.

Regarding the rejection of claims 22-25, these claims recite additional features which further patentably distinguish over the cited documents. Additionally, these claims depend either directly or indirectly from independent claim 21. As a result of this dependency, these claims contain all of the features of independent claim 21. Therefore, Applicant respectfully submits that these claims are also patentably distinguishable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully requested.

Turning now to the rejection of independent claim 32 under 35 U.S.C. §103(a) as being unpatentable over Moody in view of Word 2003 Step by Step and the Release Notes, claim 32

has been amended to recite similar features to independent claim 26. Accordingly, Applicant respectfully submits that claim 32 is also patentably distinguishable over the cited documents, whether considered individually or if the documents could be properly combined, and reconsideration and withdrawal of the Section 103 rejection of independent claim 32 is respectfully requested.

With respect to the rejection of claims 33-36, these claims recite additional features which further patentably distinguish over the cited documents, if properly combinable. Additionally, these claims depend either directly or indirectly from independent claim 32. As a result of this dependency, these claims contain all of the features of independent claim 32. Therefore, claims 33-36 are also submitted to be patentably distinguishable over Moody, Word 2003 Step by Step and the Release Notes, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully solicited.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.


If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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